

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NEPHTY CRUZ and MICHAEL BALLETO, as  
TRUSTEES OF THE DISTRICT 6 INTERNATIONAL  
UNION OF INDUSTRIAL, SERVICE, TRANSPORT AND  
HEALTH EMPLOYEES HEALTH PLAN and THE  
DISTRICT 6 INTERNATIONAL UNION OF  
INDUSTRIAL, SERVICE, TRANSPORT AND HEALTH  
EMPLOYEES PENSION PLAN,

Plaintiffs,

-against-

INDEPENDENT TESTING LABORATORIES INC.,

Defendant.

07 Civ. 6394 (RMB)

**STIPULATION OF  
DISMISSAL WITH  
PREJUDICE**

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, in accordance with a settlement agreement of the parties, it is hereby stipulated that this action is dismissed with prejudice.

Dated: New York, New York  
May 16, 2008

/s/ Marc A. Tenenbaum

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